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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,

Plaintiff,

v.

RIOT GAMES, INC.,

Defendant.

Case No. 2:25-cv-00053-FMO-BFM

*Hon. Fernando M. Olguin*

**RIOT GAMES, INC.'S  
OBJECTION TO IMPROPER  
SURREPLIES (DKT. 108 AND 113)  
RE MOTION TO BIFURCATE  
DISCOVERY AND PERMIT  
INITIAL SUMMARY JUDGMENT  
MOTION ON ACCESS**

Date: May 8, 2025  
Time: 10:00 a.m.  
Crtrm: 6D

**OBJECTION TO IMPROPER SURREPLY**

Riot Games, Inc. (“Riot”) hereby objects to the improper surreplies (Dkt. 108 and Dkt. 113) filed by Plaintiff Marc Wolstenholme (“Wolstenholme”) to Riot’s Motion to Bifurcate Discovery and Permit Initial Summary Judgment Motion on Access (the “Motion”) (Dkt. 81). On April 4, Riot filed the Motion, seeking to phase discovery so that the likely case dispositive issue of access could be adjudicated prior to addressing issues of substantial similarity, independent creation, and damages (if this case is not dismissed at the pleading stage). The Motion is set to be heard on May 8. Wolstenholme filed an Opposition to that Motion on April 6—which he specifically linked back to Riot’s Motion. Dkt. 85. Riot filed its Reply to Wolstenholme’s Opposition on April 24, which was the deadline to do so pursuant to Local Rule 7-10. Dkt. 102.


In response to Riot’s Reply, on April 25 and 26, Wolstenholme filed two surreplies that he improperly titled “Oppositions” (the “Surreplies”). Dkt. 108, 113. In his Surreplies, he acknowledges that he submitted them in response to “Riot Games, Inc.’s Motion to Bifurcate Discovery (Dkt. 81) ***and Reply in Support thereof (Dkt. 102).***” Dkt. 108 at 2 (emphasis added); Dkt. 113 at 2 (same). Under the Local Rules, Wolstenholme is not allowed to file these Surreplies. L.R. 7-10 (“Absent prior written order of the Court, the opposing party shall not file a response to the reply.”). Courts in this district routinely strike such improper surreplies. *E.g., Insigne Consulting, Inc. v. Freedom Equity Grp., LLC*, No. CV2205807DSFJCX, 2023 WL 3150096, at \*3 (C.D. Cal. Jan. 12, 2023) (“The sur-reply was filed contrary to Local Rule 7-10 which requires a prior written order of the Court for the opposing party to file a response to the reply. See Local Rule 7-10. The Court strikes this document.”); *Phu v. Nationstar Mortg. LLC*, No. SACV150285DOCJCGX, 2015 WL 13917998, at \*1 (C.D. Cal. Mar. 30, 2015) (“Plaintiff did not seek leave of the Court prior to filing his Surreply. Therefore, the Court GRANTS Defendant’s Motion to Strike.”).

1 Wolstenholme already filed his Opposition to the Motion; he is not  
2 permitted to file two more. Riot respectfully requests that the Court decline to  
3 consider and strike the Surreplies (Dkt. 108 and 113).

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5 DATED: May 2, 2025

MITCHELL SILBERBERG & KNUPP LLP

6  
7 By:

  
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